REMARKS

I. Introduction

In response to the Office Action dated November 27, 2006, claims 1, 10, 13, and 15 have been amended. Claims 1-18 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Rejections of the Abstract

The abstract was rejected because it contained legal phrasecology. Applicants have amended the abstract and submit that the rejection is now moot.

III. Prior Art Rejections

In paragraphs (6)-(7) of the Office Action, claims 1-3 and 5-18 were rejected under 35 U.S.C. §102(e) as being anticipated by Kurtenbach, U.S. Patent No. 6,618,063 (Kurtenbach). In paragraphs (8)-(9) of the Office Action, claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kurtenbach in view of Kurtenbach, U.S. Patent No. 6,414,700 (Kurtenbach '700).

Applicants respectfully traverse these rejections.

Specifically, the independent claims were rejected as follows:

> As to independent claim 1, Kurtenbach '063 teaches an apparatus for processing image data ("production operations..such as CAD/CAM and animation…," col. 2, lines 58-60; see also "ALIAS V6," the image data processing program, col. 4, line 41), comprising processing means (i.e. "computer 20," col. 2, line 49), storage means (i.e. "storage media" col. 2, line 53), display means (i.e. "display 22," col. 2, line 47) and stylus-like manually operable input means (i.e. "pen," col. 2, line 64), wherein the processing means is configured to perform functions upon image data in response to an operator manually selecting a function from a function menu ("…selected by manipulating the pointing device 26…," col. 3, line 19); the processing means responds to a first user-generated input command so as to display a plurality of function gates at a cursor position ("A user activates the selection indicator [where a] radial menu 40, such as illustrated in FIG. 3, then appears directly under the tip of the pen 52…," col. 3, lines 44-49); movement of the stylus-like manually operable input means so as to move the cursor ("A user then highlights an item by keeping the pen pressed and making a stroke 42 towards the desired item." col. 3, lines 49-51) through one of the function gates results in a related menu being displayed ("…the submenu is displayed with the center 48 of the new menu under the pen 52," col. , lines 60-63; see also FIG. 4) and manual selection of a function from the displayed menu results in the selected function ("The user then continues, from the new center 48, selecting the newly displayed sub-menu by providing another stroke 50 with the pen 52," col. 3, lines 63-66) being performed upon the image data (i.e. execute the command associated with series of menu choices, element 198, Fig. 11).
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> As to independent claim 10, Kurtenbach '063 teaches a method of selecting a function ("menu selection operation," col. 3, line 43) via a graphical user interface for receiving input commands ("selected by manipulating the pointing device 26," col. 3, line 19), wherein in response to

a first input command, a selection device is displayed at a cursor position ("A user activates the selection indicator [and then a] radial menu 40, such as illustrated in FIG. 3, then appears directly under the tip of the pen 52," col. 3, lines 44-49); the selection device identifies a plurality of function types ("particular item," col. 3, line 56) at selected positions ("selected regions 72," col. 5, line 43), each having an associated displayable menu ("submenu," col. 3, line 62); in response to a second input command (second "moving [of] the pointer," col. 3, lines 61-62), a cursor is moved over one of the positions ("…position the pointer directly over the label for the item to be selected." col. 6, lines 1-2); and having moved the cursor over a function type position the menu associated with the position over which the cursor has been moved is displayed ("submenu is displayed," col. 3, line 62).

As to independent claim 13, Kurtenbach '063 teaches a method of supplying input data to a computer system, comprising the steps of issuing a first input command to call up a graphical user interface ("A user activates the selection indicator [and then a] radial menu 40, such as illustrated in FIG. 3, then appears directly under the tip of the pen 52," col. 3, lines 44-49) in which a plurality of gates surround a cursor position (e.g. see Fig. 4); and in response to a second input command ("another stroke 50," col. 3, lines 63-66), moving the cursor through one of the gates (pen 52 moves through the gate, Fig. 4); and supplying input data determined by which of the gates the cursor is moved through ("Lifting the pen 52," col. 3, line 66).

As to independent claim 15, Kurtenbach '063 teaches a computer-readable medium having computer-readable instructions executable by a computer ("hard disk or a floppy disk on which the process discussed herein is stored," col. 2, lines 52-54) such that, when executing the instructions, the computer will perform the steps of responding to a first user-generated input command ("A user activates the selection indicator," col. 3, lines 44-49) so as to display a plurality of function gates at a cursor position ("[and then a] radial menu 40, such as illustrated in FIG. 3, then appears directly under the tip of the pen 52," col. 3, lines 44-49); responding to movement of manually operable input means so as to move the cursor through one of the function gates and displaying a menu in response to the cursor movement ("The user then continues, from the new center 48, selecting the newly displayed sub-menu by providing another stroke 50 with the pen 52," col. 3, lines 63-66); and responding to manual selection of a function from the displayed menu so as to perform the function ("Lifting the pen 52 will cause the current series of highlighted items to be selection." col. 3, lines 66-67) upon image data ("production operations…such as CAD/CAM and animation operations," col. 2, lines 58-60; see also "ALIAS V6" col. 4, line 41).

Applicants traverse the above rejections. Specifically, Kurtenbach fails to teach, disclose or suggest displaying a particular set of function gates based on their relevance to a current application being performed by an operator.

Independent claims 1, 10, 13, and 15 are generally directed to selecting a function to perform. More specifically, the claims are directed towards activating a plurality of function gates that are displayed at a cursor position. The function gates that are displayed are relevant to the particular and current application being performed by the operator. In this regard, the function gates are context sensitive to the application. The user manipulates a stylus to move the cursor through a function gate thereby resulting in the display of a related menu. A function is then selected from the related menu thereby causing the execution of the function upon image data.

The cited references do not teach nor suggest these various elements of Applicants' independent claims.

Kurtenbach merely describes a system that combines a radial marking menu portion with a linear menu portion in a single menu display. Item selection in the linear portion is performed by location selection using a pointing device. Item selection in the marker portion is determined by the pattern of a stroke made by the pointing device with the system ignoring linear menu items across which the stroke completely passes. (See Abstract).

However, there is no teaching, explicit or implicit, suggestion, or description of displaying gates based on their relevance to a current application being performed by the operator. Original claims 11 and 12 provided that such a context sensitive environment for the displayed functions. In rejecting those claims, the Office Action relied on the "contexts" described in col. 8, lines 34-35. Col. 8, lines 34-35 provide:

> The invention can also be used with any type of menu in a variety of contexts, such as a tool pallet, pulldown menu and object hot spots.

As can be seen, such text does not provide for displaying a particular set of function gates or menus dependent on the context. Instead, the text merely provides that the invention can be used in a variety of different contexts and that different menus and types of menus can be displayed. However, the dependence or relationship between the current application and the particular menu that is displayed is not described in Kurtenbach. The present invention provides that the gates that are displayed are relevant to the current application being performed by an operator. As further set forth in claim 12, the application may consist of a schematic view in which case a schematic-related device is displayed as the function gates. Similarly, if the operator is viewing a player view/application, a player-related device is displayed as the function gates. Such claims provide a particular context and provide for displaying a particular type of function gate that is context sensitive and is based on the particular view or application being used by the operator. Such a context is not described in Kurtenbach.

In rejecting claim 12, the Office Action relies on FIG. 6 showing a combined radial marker an a linear menu and the ability to using a marking pattern without producing a display in col. 2, lines 31-32. However, Applicants note that such capabilities do not even remotely refer to displaying context sensitive function gates as claimed. Instead, a combined radial marker and linear

menu are displayed - the radial marker and linear menu and options in such markers and menu are not dependent on the current application/action being performed by the user (as claimed). Similarly, the ability to use a marking pattern without producing a display is not relevant whatsoever to the present claims.

In addition, Applicants note that the other cited art fails to cure the deficiencies of Kurtenbach.

Moreover, the various elements of Applicants' claimed invention together provide operational advantages over the cited references. In addition, Applicants' invention solves problems not recognized by the cited references.

Thus, Applicants submit that independent claims 1, 10, 13, and 15 are allowable over the cited references. Further, dependent claims 2-9, 11-12, 14, and 16-18 are submitted to be allowable over the cited references in the same manner, because they are dependent on independent claims 1, 10, 13, and 15, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-9, 11-12, 14, and 16-18 recite additional novel elements not shown by the cited references.

IV. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

GATES & COOPER LLP
Attorneys for Applicant(s)

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-8797

Date: February 27, 2007

By: /Jason S. Feldmar/
Name: Jason S. Feldmar
Reg. No.: 39,187

JSF/

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